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Provisional summary record of the first part* of the 57th meeting
Held at Headquarters, New York, on Thursday, 6 March 2003, at 9.30 a.m.

Chairman: Sir Jeremy Greenstock ..... (United Kingdom)

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* The summary record of the second part of the meeting, to be reconvened in the afternoon, appears as document S/AC.40/SR.57/Add.1.

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The meeting was called to order at 9.35 a.m.

Special meeting with international, regional and subregional organizations

Opening of the meeting and adoption of the agenda (S/AC.40/2003/SM.1/1 and S/AC.40/2003/SM.1/2)

1. *The agenda was adopted.*

2. **The Chairman** said that the special meeting of the Counter-Terrorism Committee with representatives of international, regional and subregional organizations was a historic occasion in the effort against terrorism, as it was the first time that such a wide range of professionals, Member States and others involved in that effort had been gathered together. By the end of the meeting, he hoped that the participants would have woven a tighter structure of cooperation.

3. There were two channels of action in combating terrorism. The first was pursuing and bringing to justice those responsible for terrorist acts or providing support for terrorists. The second was the channel in which the Committee had been engaged for a year and a half: the essential task of dealing with the potential threat to societies and lives from individuals who had not yet been identified, or who had planned but not carried out terrorist acts. The Organization had decided to place itself at the centre of coordinating that prevention effort. The starting point of United Nations action had been Security Council resolution 1373 (2001), which placed obligations on the Member States. The entire world community was vulnerable to terrorism, and protection could not be unilateral. The attacks in the United States of America on 11 September 2001 had been followed by attacks in Bali, Moscow, Mombasa, Bogotá and other places; no region was safe.

4. The direct impact of terrorism had been horrific, but the indirect impact had been far-reaching and equally negative, affecting economies, societies, investment, tourism and many other legitimate activities. States must work together, with a common goal, to deal with the threat. Resolution 1373 (2001) had set such a goal, building on existing global standards, including the 12 international conventions and protocols relating to terrorism, and it was legally binding on all States. The obligations imposed in the resolution could not be met effectively unless they were met willingly and collectively. To that end, the Counter-Terrorism Committee had been meeting weekly to further compliance with the resolution, engaging individual Member States and international, regional and subregional organizations, and working through interaction and consensus.

5. The purpose of the current meeting with regional and subregional organizations was to build a common structure to deal effectively with terrorism and to help all Member States to raise their capacity to combat that phenomenon. The requirement of resolution 1373 (2001), as executed through the Committee, was that each Member State should perform to its full ability in achieving the resolution's aims. There would be differences between States, and some would need substantial assistance. No State would be asked to do more than it reasonably could, but every State would be asked to do its utmost. The current meeting was intended to help achieve that level of performance.

6. **The Secretary-General** said that he would like to thank the Chairman for chairing the Committee with distinction, energy and creativity since its establishment in October 2001; Mr. Arias, the Permanent Representative of Spain, would be succeeding him in April 2003.

7. The Committee was playing a vital role in the global effort to fight terrorism. By seeking to ensure compliance with resolution 1373 (2001), enhancing States' counter-terrorism capacity and promoting universal adherence to the counter-terrorism conventions, the Committee had demonstrated the universal nature of that challenge and the need for a universal response. The terrorist attacks of 11 September 2001 and the more recent attacks in Bali, Mombasa and Moscow had shown that the scourge of terrorism knew no boundaries. Terrorism was clearly a threat to international peace and security, and the Security Council had made a commitment to fight it in every instance. The ministerial meeting of the Security Council that had taken place on 20 January 2003 had offered a fine demonstration of international commitment to that effort at the highest levels.

8. Everyone was aware, however, of how much more damage terrorists could inflict if they were to acquire weapons of mass destruction. Although recent terrorist attacks had been massive in scale, future attacks could make them pale in comparison, particularly if terrorists were to acquire lethal chemical, biological or nuclear weapons. It had never

been more important to strengthen the multilateral regimes developed to prevent the proliferation of such weapons.

9. For the fight against terrorism to be effective, everyone must work together to ensure that universal principles prevailed against lawlessness. Cooperation among international, regional and subregional organizations was essential, hence the importance of the current meeting. For international efforts to be effective in countering terrorism, cooperation must be more systematic, ensuring a proper division of labour based on comparative advantages.

10. There was also a need to develop an international programme of action, founded on an unshakeable commitment to upholding the rule of law. As terrorism involved the calculated use of violence in violation of the law, responses to terrorism should aim to ensure the rule of law. Terrorist acts, particularly those involving the loss of life, constituted a grave violation of human rights. Responses to terrorism, as well as efforts to thwart it and prevent it, should uphold the human rights that terrorists aimed to destroy. Respect for human rights, fundamental freedoms and the rule of law were essential tools in the effort to combat terrorism, not privileges to be sacrificed at a time of tension. Lastly, there was a need to strive to bridge the cultural and religious divides which led to polarization, suspicion and mistrust. All had a stake in that struggle and must feel that they were part of it.

11. In the effort to address the problem of terrorism, the United Nations and its Member States must not lose sight of the broader international agenda. While there was a clear and urgent necessity to prevent despicable acts of terror, there was also a compelling need to continue striving towards the fulfilment of the goals enshrined in the United Nations Charter and the millennium development goals. To the extent that the Organization succeeded in fighting poverty and injustice, suffering and war, it was also likely to help counter the conditions that served as justification to those who would commit acts of terror.

12. **The Chairman** urged the participants to be guided by the suggested topics for discussion appearing under each agenda item in the provisional agenda and programme of work (S/AC.40/2003/SM.1/1), rather than simply providing a general briefing on their activities, since such general information had already been distributed as part of the index of international, regional and subregional organizations (S/AC.40/2003/SM.1/2) circulated by the Committee. The presence at the meeting of many Member States was welcome; their support of the work of the Committee had been appreciated. He would discuss the outcome of the meeting with all the Member States, so that they were informed of the general direction of global cooperation against terrorism.

Global standards on counter-terrorism

13. **Mr. Biggar** (Expert, Counter-Terrorism Committee) said that resolution 1373 (2001) represented the Security Council's principal response to the attacks of 11 September 2001. In adopting it, the Security Council had exercised its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security. Security Council resolutions were the highest norms in the international legal system, and as such imposed binding legal obligations on the Member States of the United Nations.

14. The approach of the Security Council in resolution 1373 (2001) was pragmatic: it recognized that the fight against terrorism would be protracted and had initiated a process to equip the international community to confront that phenomenon effectively and proactively. There were six key areas in which countermeasures should be taken against terrorism: legislation, financial law and practice, customs law and practice, extradition law and practice, police and law-enforcement work and illegal arms-trafficking. Although the resolution had established clear objectives, it had said relatively little about how those objectives should be achieved, a situation the Security Council had recognized when it established the Committee to monitor implementation.

15. As the first step in implementing resolution 1373 (2001), the Security Council had required Member States to make an initial assessment of their counter-terrorism capacity. National assessments were reviewed by the Committee with the assistance of independent experts recruited from outside the Organization. If it made sense for the Committee to draw on the skills of individuals with specialized knowledge, it made all the more sense for the Committee to draw on the many years of knowledge and experience of international, regional and subregional organizations, which not only set standards but were in a unique position to evaluate

their members' performance in meeting those standards.

16. Banking, finance, trade, transport and travel had expanded tremendously and had acquired a global reach. While those changes had been beneficial, they had left the world vulnerable to terrorist threats. To prevent further outrages, it was essential to turn to specialist international bodies with highly focused mandates and near-universal membership. Over the years, such organizations had established standards and recommendations for safety and security in their fields, and since the attacks of 11 September 2001 they had accelerated their efforts. Organizations such as the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO), the International Atomic Energy Agency (IAEA) and the international financial institutions had contributed to the 12 existing international conventions relating to terrorism. In the absence of an agreed definition of international terrorism, those conventions would play a key role in developing a multilateral, treaty-based system of law to combat that phenomenon. The Security Council, in resolution 1373 (2001), had recognized the importance of ratifying those Conventions, but ratification meant little unless it was backed up by implementation in domestic law. Full ratification had been achieved by 25 per cent of States, another 25 per cent of States had made some progress in that direction, and the remaining 50 per cent had done little. There was clearly room for improvement.

17. International cooperation and recourse to existing global standards was the best way to implement resolution 1373 (2001). Counter-terrorist measures should be consistent with the rule of law. National systems of justice played a key role in giving effect to the "extradite or prosecute" principle. Suspected terrorists must be brought before properly established and impartial courts and receive fair trials. While no one could guarantee the elimination of international terrorism, the aim of the Security Council in resolution 1373 (2001) was to make the lives and operations of terrorists as difficult as possible. Counter-terrorism efforts would only prevail if they succeeded in destroying the financial, legal and other environments in which terrorists thrived.

18. **The Chairman** agreed that the rule of law must be upheld. The Committee should pursue its activities without undue damage to civil liberties. The meeting would return to that issue during the course of the day.

19. **Mr. Johnston** (International Monetary Fund) said that prior to the attacks of 11 September 2001 the International Monetary Fund (IMF) had not focused on the financing of terrorism. However, those attacks and the adoption of Security Council resolution 1373 (2001) had propelled the issues of countering the financing of terrorism and the related issue of combating money-laundering to the top of the IMF agenda. In November 2001, the International Monetary and Finance Committee of IMF had endorsed an action plan to intensify its efforts in those fields. Under that plan, it had adopted the 40 recommendations on money-laundering and the eight special recommendations on terrorist financing of the Financial Action Task Force on money-laundering (FATF) for use as key standards, had developed a common methodology with FATF to assess compliance with those standards and had stepped up technical assistance to promote compliance.

20. The Committee had asked about experience in developing standards. IMF had intensified its activities in that regard in response to the financial crises of the 1990s, resulting in the adoption of 12 standards, developed either by IMF and World Bank staff or by outside standard-setting bodies, to support surveillance of the international financial system. Since broad consensus was essential, IMF had discussed the standards extensively within its own Executive Board and with other interested bodies and organizations.

21. In promoting international standards among its members, IMF worked through four main channels: the annual article IV consultations with members, periodic financial sector assessments (FSAPs), assessments of offshore financial centres and technical assistance. A new feature of IMF efforts to combat money-laundering and the financing of terrorism was its recognition of assessments made by FATF and regional FATF bodies that used the agreed methodology in their work. The aim was to prevent duplication of effort, make efficient use of scarce expertise on money-laundering and the financing of terrorism and promote a global standard in dealing with those matters.

22. With regard to the problems which States faced in complying with standards, preliminary assessment of members' compliance with the standards for combating money-laundering and the financing of terrorism had found that key weaknesses remained in non-industrialized countries, where the authorities, although they often set compliance with the FATF

recommendations as a priority, were hindered by lack of skills and budgetary resources. The second finding was that some jurisdictions had focused on rule-making to the detriment of implementation, leaving the criminal justice and supervisory systems to combat money-laundering and the financing of terrorism underdeveloped. The third was that many States lacked the capacity to keep pace with changes in the international legal framework, leaving their implementation incomplete. The fourth finding was that many States needed to strengthen cooperation both domestically and internationally. IMF and the World Bank could help on technical issues, but often a lack of political commitment was a more fundamental constraint on progress.

23. The Committee had asked about actions taken by organizations to ensure member compliance with standards. IMF had had experience in assessing compliance with both legally binding and voluntary standards. The IMF Articles of Association imposed certain legal obligations on members, but the anti-money-laundering and combating financing of terrorism (AML/CFT) assessments, for example, were voluntary. In both situations IMF relied on a cooperative approach supported by technical assistance. Assessments were treated as a diagnostic tool as a basis for an action plan to address identified weaknesses. Members were encouraged to publish the results of assessments, using a standard IMF format, and the general expectation that the assessment would be published encouraged action by members.

24. In terms of further work on the development of standards, IMF was continuing to collaborate with FATF on the revision of the recommendations on money-laundering and terrorist financing.

25. The Committee had asked for suggestions on how it could help in the development, promotion and monitoring of international standards. IMF was able to share its assessments, with the consent of its members, and would find it useful if the Committee could reciprocate. It would be helpful if the Committee could endorse the international approach adopted by IMF, the World Bank and FATF to apply a common methodology in conducting assessments, and it would be useful to coordinate the coverage and format of questionnaires sent out by different organizations to avoid "assessment fatigue". IMF saw great value in maintaining contact with the Committee through informal consultations on the operational level.

26. **Mr. Crayston** (International Civil Aviation Organization) said that his organization's activities related to counter-terrorism formed part of a wider programme of prevention of and response to acts of unlawful interference with civil aviation mandated by the high-level ministerial conference of February 2002 and the resulting aviation security plan of action adopted by the Council of the International Civil Aviation Organization (ICAO) in June 2002.

27. ICAO had had a great deal of experience in setting international standards. Since a plane leaving New York, for example, could be operating almost anywhere in the world the next day, it was essential for aircraft operations to be governed by harmonized international standards. ICAO standards and recommended practices, most of them safety-related, were contained in the 18 annexes to the Convention on International Civil Aviation. The standards were developed by an expert group from different States, with industry involvement, then were sent to States for comment and subsequently adopted by the ICAO Council. Those of greatest relevance to counter-terrorism were contained in annex 17 on security.

28. ICAO promoted its standards by developing guidance material and operating some 50 training courses a year. It conducted aviation security audits, shared its findings with the States concerned and provided assistance to rectify deficiencies.

29. The main problems encountered stemmed from a lack of national aviation security programmes or of national legislation giving legal force to the programmes, or from inadequate coordination between relevant authorities. ICAO had a particular problem in that the agencies with which it worked directly, usually the civil aviation authorities or the ministry of transport, were often outranked by the agencies charged with implementation of security measures, such as the police or military. Some States felt that the problem was chiefly financial, but until national legislation, programmes and oversight mechanisms were in place aviation security was unlikely to be fully effective.

30. All ICAO standards were binding, unless a State filed what was termed a "difference" with ICAO, which would then inform all other States that a certain standard was not followed in the particular State. States that did not file differences were presumed to be following ICAO standards, although admittedly it was

not possible to be certain to what extent they were complying. To address that problem, ICAO had begun undertaking audits to determine the status of implementation of certain of the safety-related annexes. Two States had been audited for implementation of annex 17, and another 20 such audits were expected to be completed by the end of 2003, another 40 in 2004 and 40 in each succeeding year. States not meeting the standards would be required to develop action plans to remedy deficiencies.

31. ICAO standards were continuously under review. For instance, the events of 11 September 2001, when aircraft had been used as weapons for the first time, had prompted changes to annex 17. The aviation security panel would soon be considering the issue of the use of surface-to-air missiles against aircraft. Under annex 9 on facilitation, standards were being strengthened on machine-readable travel documents and advance passenger information systems.

32. The Committee might be able to assist ICAO to increase implementation of its standards by delivering a message to States emphasizing the need to comply with ICAO security-related standards and by helping States to obtain funds to remedy deficiencies revealed by ICAO aviation security audits. For its part, ICAO was ready to share its standard-setting experience with the Committee and with participating international, regional and subregional organizations.

33. **The Chairman** reminded the participants that the Committee was not set up to be a direct provider of assistance or funding but rather a provider of ideas and contacts on how Member States might solve their problems and a catalyst to bring others together.

34. **Mr. Mitropoulos** (International Maritime Organization) said that he was pleased to report that in December 2002 the Diplomatic Conference on Maritime Security held at the organization's headquarters in London had adopted new standards for incorporation into the International Convention for the Safety of Life at Sea, the most important of the many International Maritime Organization (IMO) conventions relating to security, along with a new International Ship and Port Facility Security Code, both to enter into force on 1 July 2004. According to modest estimates, the standards would apply to some 50,000 ships and 10,000 ports in international trade. Of course, the standards would enhance maritime security only when implemented. IMO was actively assisting member Governments in preparing for implementation of the new measures and reminding them of the consequences if ships flying their flag were found not to be in compliance.

35. IMO devoted significant resources to technical cooperation activities to encourage wider acceptance and implementation of agreed standards. For example, following the events of 11 September 2001, it had allocated substantial funds for regional seminars and workshops on prevention and suppression of acts of terrorism against ships and ports. Problems in meeting standards were sometimes due to a lack of economic or political interest in the regulated areas but more often to a lack of technical and administrative expertise and financial resources. The IMO integrated technical cooperation programme conducted in conjunction with the World Maritime University, the International Maritime Law Institute and the International Maritime Academy had borne fruit in terms of greater implementation. IMO was engaged in a technical cooperation project for capacity-building in developing countries to strengthen their maritime security infrastructure and systems, and the Diplomatic Conference on Maritime Security had called for the establishment of a maritime security trust fund to provide a dedicated source of financial support for national initiatives in that regard.

36. While IMO itself could not sanction non-compliance, most of the conventions allowed the parties to take action, such as delaying the departure of sub-standard ships until compliance was achieved. IMO also issued non-binding recommendations and guidelines. Further work on standards was needed in the development of guidance for consistent and uniform implementation of agreed standards by national authorities.

37. The Committee could help by impressing upon Member States the need to implement IMO security measures in order to safeguard both their security and trade facilitation interests and by sensitizing potential donor countries to the need to assist developing countries in the implementation of the new requirements and the procurement of physical security equipment. IMO would continue to coordinate its activities with other United Nations programmes and agencies through the Chief Executives Board and to cooperate with the Committee on common goals.

38. **Mr. Lempiainen** (World Customs Organization) said that his organization had over 50 years of experience in promoting cooperation and developing standards in the areas of customs control and facilitation, and more recently in the areas of security and computerization, and several of its instruments were relevant to the implementation of resolution 1373 (2001). The conventions and other instruments of the World Customs Organization (WCO) were developed in collaboration with IMO and other international organizations, including many of those present, and also with international business. For example, the resolution on security and facilitation of the international trade supply chain, which was adopted in June 2002 in response to the increased threat of terrorism, set tasks requiring the collaboration of the entire global customs community, such as determining a standardized set of data elements necessary to identify high-risk goods and establishing the legal basis and procedures for advance electronic transmission of customs data.

39. WCO promoted its standards through brochures, global symposiums and regional and national events and devoted considerable effort to training and technical assistance. One of the immediate challenges it faced was to strike a balance between facilitation and security. Many of its members were developing countries, and there was an ongoing debate within the organization about the importance of physical versus economic security. The longer-term challenges were capacity-building and reform of customs administration and infrastructure. Not all WCO instruments were legally binding; conventions were binding between parties, but WCO recommendations and resolutions were not legally binding on members. However, the political and economic pressure to comply was strong.

40. Work was well advanced on developing instruments on mutual assistance between customs administrations, a framework model for electronic customs communications and risk management guidelines. In the area of security, more work was needed in the short term on an operational model to address the questions of who should share what information with whom along the entire trade supply chain and how and when, which were issues with important economic and political implications. In general, however, the organization was assigning higher priority to implementation and capacity-building than to development of standards.

41. It would be helpful to the World Customs Organization if the Committee could encourage the adoption of WCO instruments relevant to implementation of resolution 1373 (2001). The Committee could play a valuable role in maintaining the dialogue on capacity-building and serve as a permanent reporting arrangement.

42. **Mr. Prendergast** (Under-Secretary-General for Political Affairs) said that the Secretary-General, responding to the perceived need, following the events of 11 September 2001, for a broad and sustained strategy to combat terrorism, had created the Policy Working Group on the United Nations and Terrorism, combining the expertise available within key agencies, programmes and departments with the input of independent specialists. The Policy Working Group had decided to focus its work on three key areas: dissuasion, denial and cooperation.

43. First, it had considered ways to dissuade would-be-perpetrators of terrorist acts through effective norm-setting and the implementation of pertinent international legal instruments, an active public information campaign and the promotion of international consensus in support of the fight against terrorism. The United Nations system was promoting the ratification and entry into force of conventions related to counter-terrorism, particularly through the provision of legal and technical advice. The Office of the Secretary-General, the Department of Political Affairs and the Department of Public Information were working to ensure that the United Nations was projecting a principled message on the unacceptability of terrorism while stressing the need to address the threat through international cooperation, to ensure respect for human rights in counter-terrorism efforts and to find political solutions to disputes and conflicts.

44. The Policy Working Group had proposed ways to deny terrorists opportunities to commit acts of terrorism, namely, by supporting the monitoring efforts of the Committee; by strengthening global norms against the proliferation of weapons of mass destruction; by providing technical and expert support to States seeking to curb the flow of arms, funds and technology to terrorist cells; and by redoubling efforts to prevent and resolve conflicts that could become breeding grounds for terrorism.

45. On the score of cooperation, it had considered ways to encourage subregional, regional and global

organizations to join forces in a common campaign. It was clear that a threat as complex as international terrorism demanded sustained joint efforts. The Secretary-General would be including the theme on the agenda of his upcoming summer meeting with the heads of regional organizations.

46. **The Chairman** said that those involved in counter-terrorism efforts should be aware that they were promoting an activity that could potentially come into conflict with other standards, such as human rights, that were equally binding on Member States. It would be useful to hear later from some of the legal organizations present in that regard.

47. **Mr. Schmoll** (Financial Action Task Force on Money Laundering), describing his organization's experience in producing international standards, primarily the 40 recommendations on money-laundering published in 1990 and currently under review and the eight special recommendations on terrorist financing formulated after 11 September 2001, said that the Financial Action Task Force (FATF) used political engagement to encourage countries to adopt such recommendations and evaluated the extent of implementation among FATF members. FATF encouraged non-members to adopt recommendations through FATF-style regional bodies and also worked with individual countries that found it difficult to bring their practices into line with international standards.

48. One challenge faced by FATF was how to publicize its standards, although some success had been achieved through regional groups, consistent attendance at relevant meetings and use of the Internet. The other main problem was to ensure sound interpretation of the FATF standards. Two interpretative notes and a best-practices paper had therefore been produced on the eight special recommendations. Interpretation of recommendations clearly required further attention, and additional interpretation guidelines would be presented at a forthcoming FATF meeting. He hoped that the Counter-Terrorism Committee could work even more closely with FATF and regional bodies so that the resulting exchange of information and experience could be used to shape their respective standards.

49. **Mr. Laborde** (United Nations Office on Drugs and Crime) said that ratification of the international conventions on terrorism was not sufficient; the main criminalization provisions needed to be embodied in Member States' penal codes. The United Nations Office on Drugs and Crime (UNODC) had produced a legislative guide to the universal anti-terrorism conventions and protocols, soon to appear in a revised version. UNODC had also updated its manual on United Nations model treaties on extradition and on mutual assistance in criminal matters, and had produced legislative guides on implementing the international instruments on combating drugs and transnational organized crime, which served as a useful complement to counter-terrorism instruments.

50. **Ms. Nilsson** (International Atomic Energy Agency) said that, after 45 years' experience with nuclear safety standards, her organization had broadened its mission to include nuclear security, with the goal of preventing nuclear or radioactive material from being used in weapons of mass destruction. The International Atomic Energy Agency (IAEA) had found that establishing and developing security standards was more challenging than working with safety standards, partly as a result of the need to work with law-enforcement and customs agencies in addition to nuclear authorities. In areas that touched on national security, it was vital for an international organization to find the right role for itself and the right ways of approaching cooperation with member States and other organizations. It was also important to ensure the confidentiality of shared sensitive information.

51. Standards were useless unless applied, especially in developing countries. The IAEA Director General and Board of Governors had approved a plan of action to provide member States with legislative assistance and training. The programme would be financed through member States' voluntary contributions to the Nuclear Security Fund. IAEA would continue to work with the Counter-Terrorism Committee and other organizations to implement its programme of action in a way that avoided duplication and made best use of available resources.

52. **Mr. Sourvanos** (Council of the European Union) said that the Council's Committee on Terrorism regularly reviewed the 12 international conventions on terrorism and advised Member States on how to use executive machinery for the suppression of terrorism. The Committee focused on strengthening capacity in the areas of police, intelligence, customs, border controls and weapons access and on providing bilateral assistance (including to non-European Union countries).

53. **Mr. Trapp** (Organisation for the Prohibition of Chemical Weapons) said that his organization was concerned with national implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, which was soon to be reviewed at a conference of the Organisation for the Prohibition of Chemical Weapons. He echoed the calls for increased cooperation and reduction of duplication, especially important for small countries with few resources.

54. **Mr. Florent** (France) explained that the Counter-Terrorism Committee was at the stage of checking whether Member States had introduced legislation to enforce resolution 1373 (2001), and whether such legislation was being implemented with the requisite human and technical resources. With reference to what the FATF and ICAO representatives had said about verifying Member States' compliance with their standards, he wondered whether the Committee could have access to the results of such assessments.

55. **The Chairman** said that a balance had to be struck between confidentiality and the transparent promotion of global standards.

The meeting was suspended at 11.20 a.m. and resumed at 11.45 a.m.

56. **Ms. Kohonen** (Office of the United Nations High Commissioner for Human Rights) said that the three areas in which human rights concerns intersected with terrorism were human rights violations as a result of terrorism, human rights violations as a cause of terrorism and respect for the human rights framework in the fight against terrorism. In the latter area the Office of the United Nations High Commissioner for Human Rights (OHCHR) had a particular responsibility and could add value to the counter-terrorism debate. OHCHR applied the framework provided by the almost universally ratified human rights instruments and standards to both terrorist acts and counter-terrorist efforts. Compliance with the relevant conventions was assessed by treaty-monitoring bodies, and cases of human rights violations, such as prolonged incommunicado detention, restrictions on the media or on freedom of speech and extensions of the powers of law-enforcement officials, were investigated by special rapporteurs. The Human Rights Committee had adopted General Comment No. 29 (CCPR/C/21/Rev.1/Add.11), which defined the parameters of a state of emergency and advised Governments on the powers and limitations that applied in such cases.

57. OHCHR had briefed the Counter-Terrorism Committee, and had prepared a further guidance note on compliance with international human rights standards to assist Member States in their implementation of resolution 1373 (2001). That note was available on the Committee's web site, and Member States should refer to it when reporting to the Committee. OHCHR could also provide technical assistance to Member States either at their request or upon referral by the Counter-Terrorism Committee. Assistance would include providing technical advice on revising legislation on states of emergency and training of law-enforcement or legal officials.

58. She was pleased to note such productive examples of cooperation as the Assistance Expert's intention to address the Human Rights Committee in Geneva, and the Human Rights Committee's plan to brief the Counter-Terrorism Committee on how General Comment No. 29 applied to the latter's work.

59. **The Chairman** stated that, while the Counter-Terrorism Committee was careful not to ask Member States to do anything that would violate human rights in their implementation of resolution 1373 (2001), it was not the Committee's task to monitor compliance with human rights obligations. There was a clear understanding between the Committee and the human rights bodies about their respective roles, and he hoped they could continue to work closely together.

60. **Mr. Everts** (Organization for Security and Cooperation in Europe) said that his organization felt that regional organizations should play a supportive role, and interpreted that to mean that it should encourage its 55 participating States to comply with international standards. The Organization for Security and Cooperation in Europe (OSCE) therefore attempted to create political commitment and devise ways of assisting States in the adoption and implementation of standards. An OSCE Ministerial Council had recently adopted a Charter on Preventing and Combating Terrorism. OSCE had achieved considerable success in its support role, since 40 per cent of its participating States were parties to all 12 international conventions on terrorism and 90 per cent had made some form of pledge to engage in international commitments.

61. In addition to international standards, OSCE concerned itself with regional standards and codes of conduct on the political and military aspects of security. OSCE was also working on a recommendation on the production of and trafficking in small arms and light weapons. Such standards, once accepted, were regularly reviewed in terms of practical implementation by the OSCE Permanent Council in Vienna or the Forum for Security Cooperation, which had recently been tasked with the review of counter-terrorism issues. The first OSCE annual security review conference would be held during 2003 to assess what had been achieved and what remained to be done.

62. **Mr. de Vel** (Council of Europe) underlined the irreversible commitment of the Council of Europe to the rule of law and the preservation of fundamental rights and freedoms while engaging in the fight against terrorism, based on its 50 years of experience in protecting human rights while combating international crime. Its Committee of Ministers had adopted guidelines on human rights and the fight against terrorism, specifying the limits imposed by international human rights instruments and the European Court of Human Rights.

63. The programme of action to combat terrorism had three elements: strengthening the legal framework against terrorism, safeguarding fundamental values, and attacking the root causes of terror. To strengthen the legal framework, the Council had called on its members to ratify all international and European conventions on terrorism, which had shown results, including the withdrawal of reservations to conventions by some Governments and the strengthening of extradition and mutual assistance treaties. Its efforts to safeguard fundamental values had resulted in the adoption of the guidelines on human rights and terrorism. A draft protocol amending the European Convention on the Suppression of Terrorism limited the political exception to extradition and provided for a follow-up mechanism. Another instrument on the protection of witnesses was also under preparation.

64. Combating the financing of terrorism was also a priority, and the Council's monetary committee was looking at the question of money-laundering in cooperation with the Financial Action Task Force. It provided assistance to States mainly in the area of drafting anti-terror legislation that also upheld fundamental human rights. It had recently held a tripartite meeting with the European Union and the United Nations in that area as well, and its work was open to observer countries.

Role of regional and subregional organizations in strengthening global counter-terrorism capacity

65. **Ms. Brizuela de Avila** (Organization of American States), speaking in her capacity as Chair of the Inter-American Committee on Counter-Terrorism (CICTE), said that regional organizations like the Organization of American States (OAS) had a strategic role to play in the implementation of Security Council resolution 1373 (2001). Her Committee was made up of representatives of all States members of OAS and was responsible for policy coordination among members in fighting terrorism and for setting up the plan of work in that area. The Committee coordinated its efforts with other OAS committees on financing of terrorism, drug trafficking and illicit arms trade, as well as the Human Rights Committee.

66. With regard to the role the Committee had played in encouraging OAS member States to meet international and regional standards, it had given impetus to the adoption of the Declaration of San Salvador on combating terrorism and to the Inter-American Convention against Terrorism, which established a common legal foundation on which member States could base national legislation with unified criteria and procedures. It had also developed model laws and self-evaluation guides based on international standards to help disseminate information on available resources.

67. As she saw it, the role of subregional and regional organizations in promoting practical cooperation was to provide a forum for an exchange of information on best practices; identify opportunities for training and build a network of counter-terrorism experts; develop a communications network; provide training for border, customs and immigration officials; and promote technological support for common standards. One of the lessons learned thus far was that national contact points must be identified and understandings reached on their responsibilities, both within Governments and among the regional groups. A habit of regular communication must be developed within the counter-terrorism community. The advantage of discussing terrorism at the regional level was that a sense of common ground was created which facilitated the exchange of information at political and technical levels.

68. As for structures needed in regional and subregional organizations to promote an effective and practical discussion of counter-terrorism issues, in the experience of CICTE the establishment of its own secretariat with OAS had been crucial in allowing it to establish points of contact in member States for the exchange of information on best practices and maintain a database of available resources, national authorities, procedural manuals and directories of national legislation. The political bodies of a regional organization should be kept informed of the work of such a secretariat.

69. The current meeting was an excellent example of the ways in which the Counter-Terrorism Committee could support the activities of regional and subregional organizations. Its role as a forum for exchange of information and experience would certainly enhance future cooperation. . It could take advantage of communications technology to provide secure exchanges of information. The Committee could also develop a reporting method that would extract vital information and facilitate analysis and comparison.

70. OAS had made an integrated response to terrorism at the political, legal and technical levels, the latter represented by CICTE and its secretariat. It stood ready to work with other regional organizations in that fight.

71. **The Chairman** said that OAS was in advance of many regional organizations in its response to the requirements of the Committee, and he was certain that it would be willing to share experiences and best practices.

72. **Mr. Ward** (Assistance Expert, Counter-Terrorism Committee) said that all States should have a strong interest in seeing that their neighbours had in place a platform for combating terrorism and in preventing their territories from being used, directly or indirectly, in support of terrorism. States in all regions were recognizing that no country was safe from terrorism if its neighbour was not. The impact of an act of terrorism could be just as great on a neighbouring State as on the target State. It followed, therefore that each State in a region or subregion had a vested interest in seeing that compliance with Security Council resolutions was achieved across the region. There might be wide variations in the capacity of States within a region to implement the resolution, and thus regional and subregional organizations had an important role to play to ensure that no gaps were left within their territory.

73. Some regional organizations had developed and were implementing action plans aimed at promoting full implementation of Security Council resolution 1373 (2001) in their respective regions, while others were falling behind. Those regional organizations should take appropriate action to ensure that each State had the requisite legislative framework against terrorism and the means to implement it. Any organization lacking the capacity to assume that role was obliged to seek assistance to enhance its capability to fulfil that responsibility.

74. Regional and subregional organizations provided an important forum for members to discuss and initiate action and could play a significant role in achieving greater coherence in regional capacity-building, higher standards of implementation by setting minimum acceptable standards, training for relevant actors and exchange of expertise for greater uniformity, better coordination among neighbouring States and greater communication and exchange of information. They could also help to tailor assistance to the needs of their members and facilitate assistance among States within the region. Each organization could provide a forum for sharing of best practices.

75. States in some regions had been working together in practical ways to improve regional capacity against terrorism. Some had established a technical body to carry out that important task, and those which had not done so should give it consideration. Such a technical body could be tasked with implementing decisions related to suppression of terrorism taken at the political level and following up with member States on their implementation, coordinating regional initiatives, keeping members informed of their obligations and the relevant international and regional standards and developing points of contact within each region with the Counter-Terrorism Committee. The current meeting provided an opportunity to share experience in those areas.

76. The Ministerial Declaration in the annex to Security Council resolution 1456 (2003) called on regional and subregional organizations to work with the Committee and other international organizations to facilitate sharing of best practice against terrorism and to assist their members in fulfilling their obligation to combat terrorism. It was important to broaden the

contacts between the Committee and regional organizations, and for those organizations to play an active coordination role in facilitating cooperation between States on counter-terrorism matters in accordance with relevant Security Council resolutions. More and more organizations were looking at what they had to offer in countering terrorism and informing the Committee of their willingness to help. That they were building their capacity to counter terrorism in all its forms was a new process of engagement by those organizations and a reflection of their seriousness and determination.

77. **The Chairman** said that all countries and regional organizations needed the will to act, the knowledge of how to act and the necessary machinery, leading up to action itself. He hoped that regional organizations would hold their own follow-up meeting on those issues.

78. **Ms. Mahlangu** (Inter-Parliamentary Union) said that the Union's action in combating terrorism was based on its firm belief that terrorism undermined democracy and human rights, the cornerstones of world peace and security. The Inter-Parliamentary Union had always condemned all forms and acts of terrorism and fully supported United Nations measures to combat it, particularly Security Council resolution 1373 (2001). Parliaments had a crucial role to play in combating terrorism. They established the legal framework for the implementation of counter-terrorism measures at both the national and international levels. In that connection, the Inter-Parliamentary Union encouraged its members to ensure the ratification of the relevant international instruments, their incorporation into the body of national legislation and their effective implementation and to report regularly on their activities in that regard.

79. Through its technical cooperation programme, the Union helped parliaments to strengthen their law-making and oversight capacities and organized awareness programmes on the manifestations and consequences of terrorism, the importance of the relevant international instruments and ways and means of ensuring government compliance with their provisions. The Inter-Parliamentary Union addressed some of the root causes of terrorism by promoting a culture of democracy and human rights and was committed to ensuring more effective monitoring of parliamentary action to combat terrorism.

80. **Mr. Abbas** (League of Arab States) said that, as part of the follow-up to resolution 1373 (2001), the League had taken many steps to combat international terrorism in all its forms and manifestations. It was pursuing its efforts to strengthen cooperation in judicial and security matters among its member States as a party to the 1988 Convention of the Organization of the Islamic Conference on Combating International Terrorism and, in that context, had held a number of symposiums on terrorism, money-laundering and implementation of the United Nations Convention against Transnational Organized Crime. Since the Arab States participated actively in the initiatives of both the Organization of the Islamic Conference and the League to combat international terrorism, a panel of Arab experts had been established to consider resolution 1373 (2001) and submit recommendations on it. The secretariat of the League of Arab States was making every effort to strengthen coordination of its activities with those of the Counter-Terrorism Committee

81. The League was cooperating with all other States in the pursuit, arrest, extradition and prosecution of terrorists in the spirit of the draft comprehensive convention against international terrorism. The draft convention should include a specific definition of terrorism and distinguish between terrorism and the legitimate rights of people to resist foreign occupation. While the League of Arab States condemned terrorism in all its forms, regardless of its religious, ethnic or national links, it believed that counter-terrorism efforts must respect individual and collective freedoms in accordance with religious values, the principles of international law and the provisions of the Charter of the United Nations and human rights treaties. Lastly, he called for an end to the arbitrary and selective stigmatizing of Arab and Muslim citizens by the United States of America and Western countries, and for addressing the root causes of terrorism through dialogue among different cultures and civilizations.

82. **Mr. Kebe** (African Union) said that the Convention on the Prevention and Combating of Terrorism of the Organization of African Unity had pre-dated the events of 11 September 2001 by nearly two years. Immediately after the terrorist attack on the United States of America, the African Union had held a meeting in Dakar and another in Algiers with a view to "Africanizing" the implementation of resolution 1373 (2001). By 6 December 2002, however, only 18 out of 53 countries had ratified the Organization of African

Unity (OAU) Convention on the Prevention and Combating of Terrorism, prompting the secretariat of the African Union to establish a structure to promote accession to and ratification of the instrument. There were also other difficulties that hindered its implementation, for instance, in convincing countries that, whether or not they were directly affected by the threat of terrorism, they could suffer its indirect consequences by being used as transit States or staging areas for terrorist actions, or in promoting counter-terrorism as a high priority in countries trying to cope with very basic development issues in all sectors, including health, education and employment. The most effective approach to enhancing counter-terrorism initiatives in Africa might be to incorporate them within the overall framework of development and to provide needed assistance to that end.

83. **Mr. Milintachinda** (Asia-Pacific Economic Cooperation) said that, at its annual October meeting following the tragic events of 11 September 2001, the 21 member economies of the Asia-Pacific Economic Cooperation forum (APEC) had issued a statement on fighting terrorism which included a commitment to support the global fight against terrorism and the implementation of Security Council resolutions 1368 (2001) and 1373 (2001). That commitment had been further strengthened at the annual meeting held in October 2002 in Mexico following the terrorist bombing in Bali and incidents in other APEC economies. The 2002 statement on fighting terrorism and promoting growth contained, inter alia, a timetable for member economies to take action to secure the movement of goods and people, check financial flows to terrorist organizations and promote cybersecurity. Since that time, APEC, which included many of the world's largest ports and busiest airports, had further strengthened its security measures, particularly through its Counter-Terrorism Action Plan designed to strengthen member economies' capacity to protect cargo and passengers in international shipping and aviation, secure energy supplies and protect the health of their populations.

84. Referring to the question about structures, he said that APEC had established a counter-terrorism task force to coordinate the implementation of its October 2002 statement on fighting terrorism, assist member States to assess their counter-terrorism needs, support capacity-building and provide technical assistance, including through consultation with the international financial institutions. As its membership represented a broad range of cultures and economic levels, APEC had diverse strengths and potentialities for cooperation with international organizations. Currently, it cooperated with the International Maritime Organization (IMO), the World Customs Organization (WCO) and the International Civil Aviation Organization (ICAO). Its action plan called for strengthened cooperation among its various counter-terrorism working groups and committees.

85. With regard to the question about how the Counter-Terrorism Committee could support regional efforts, he proposed establishing a link between the APEC and Counter-Terrorism Committee web sites, since the APEC web site contained substantial information on counter-terrorism measures and on simultaneously boosting security and trade. Two weeks earlier, a meeting co-hosted by APEC, the United States of America and Thailand had brought together representatives of government agencies and companies at the Secure Trade in the APEC Region Conference (STAR). The conference had stressed the need for new partnerships between government and business and, in general, greater coordination between public and private entities at both the national and international levels in the fight against terrorism.

86. **Mr. Zugic** (South-East European Cooperation Process) said that counter-terrorism should be interpreted very broadly as encompassing such issues as organized crime, illicit trafficking and money-laundering, which threatened the security of societies. The Ministers of the Interior of the members of the South-East European Cooperation Process met regularly to debate very concrete issues, such as border control and judicial measures. He stressed the importance of avoiding duplication by establishing a very clear division of labour between the work of regional and subregional organizations. The South-East European Cooperation Process stood ready to share information and provide assistance to other organizations.

87. **Mr. McNamara** (United States of America), speaking as a member of the Counter-Terrorism Committee, stressed the importance of earlier remarks by the representative of France concerning the need to avoid duplication. He also welcomed the Chairman's outline of parameters for cooperation by regional and subregional organizations with the Counter-Terrorism Committee (will, knowledge, machinery and action).

Indeed, any information provided to the Committee by regional and subregional organizations would facilitate and sharpen its capacity to evaluate their implementation of resolution 1373 (2001). The Committee would greatly appreciate copies of action plans, as well as information on how they were being implemented, the kind of assistance regional and subregional organizations could offer and the extent to which they felt they had the potential to implement counter-terrorism measures or were implementing them in practice, along the lines of the OAS Matrix and initiatives being taken by other organizations, such as the Organization for Security and Cooperation in Europe (OSCE) and the Association of South-East Asian Nations (ASEAN). A description of counter-terrorism mechanisms, including their structure, mandate and budgetary allocations, and a progress report on their work, would also be extremely helpful.

88. **The Chairman** noted that, under the role of regional organizations, the checklist also stressed the sharing of information. Regional and subregional organizations should exchange information packets and models for launching counter-terrorism mechanisms and keep the Counter-Terrorism Committee regularly informed of their timetables for implementing counter-terrorism measures and the results achieved.

The meeting was suspended at 1.10 p.m.